



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
*Dr. Anil Agarwal et al*

Plaintiff,

- against -  
*United States of America  
et al*

Defendant.  
-----X

*14* Civ. *1873* ( *PAC* )

**ORDER TO SHOW CAUSE  
FOR PRELIMINARY INJUNCTION  
AND TEMPORARY RESTRAINING  
ORDER**

Upon the affidavits of *Dr. Anil Agarwal*, sworn to  
the *25<sup>th</sup>* day of *2014, March*, and upon the copy of the complaint hereto annexed, it is

ORDERED, that the above named defendant show cause before a motion term of  
this Court, at Room \_\_\_\_\_, United States Courthouse, 500 Pearl Street, in the City, County and  
State of New York, on \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon  
thereof, or as soon thereafter as counsel may be heard, why an order should not be issued  
pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendant during the  
pendency of this action from *See attached*

\_\_\_\_\_; and it is further

ORDERED that, sufficient reason having been shown therefor, pending the  
hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P.,  
the defendant is temporarily restrained and enjoined from \_\_\_\_\_

**UNITED STATES COURT OF SOUTHERN- DISTRICT OF NEW YORK**  
500 Pearl Street, New York, NY 10007-1312

Civil Action No. **14 CV 1873**  
(With demand for Jury Trial)

DR. ANIL AGARWAL, 207-209 West Sherman St., McAdoo, PA 18237-0006  
MADHU AGARWAL, 419 Esplanade, Maywood, NJ 07607.  
**& any and all US Citizens and permanent residents effected in any way by  
CONSTITUTIONAL WRONGS OF DEFENDENTS**

**Plaintiffs**

-vs-

United States of America C/o US Attorney General et al.

**Defendants**

**APPLICATION FOR TEMPORARY INJECTIVE RELIEF**

Plaintiff AGARWAL's, prays for temporary injective relief for staying all the orders passed by New Jersey Judge HECTOR R. VELAZQUEZ, J.S.C. in the Civil Court Proceeding: HSBC Bank USA, N.A. v. Madhu Agarwal and Anil Agarwal v. HSBC Bank USA, N.A., et al. Docket No. SWC-F-024191-12 , IN WHICH Judge HECTOR R. VELAZQUEZ, J.S.C. was Third Party Defendant.  
Instead of reliving himself as JUDGE entered various orders one of them is filed as exhibit A.

Signature 

MADHU AGARWAL,

Signature 

DR. ANIL AGARWAL (201-873-7341)

Date: 3/24/14

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_; and it is further

ORDERED that security in the amount of \$\_\_\_\_\_ be posted by the  
plaintiff prior to \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_noon of that  
day; and it is further

ORDERED that personal service of a copy of this order and annexed affidavit  
upon the defendant or his counsel on or before \_\_\_\_\_ o'clock in the \_\_\_\_\_noon, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, shall be deemed good and sufficient service thereof.

DATED: New York, New York

ISSUED: \_\_\_\_\_M

\_\_\_\_\_  
United States District Judge

**UNITED STATES COURT OF SOUTHERN- DISTRICT OF NEW YORK**

500 Pearl Street, New York, NY 10007-1312

Civil Action No. **14 CV 1873**

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MADHU AGARWAL, 419 Esplanade, Maywood, NJ 07607.

**& any and all US Citizens and permanent residents effected in any way by  
CONSTITUTIONAL WRONGS OF DEFENDENTS**

**Plaintiffs**

-VS-

United States of America C/o US Attorney General et al.

**Defendants**

**ORDER**

On the ex-party motion of applicants AGARWAL's, and court having considered the motion and for good cause appearing

IT IS ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 2014

ORDERED that all orders passed by New Jersey Judge HECTOR R. VELAZQUEZ, J.S.C. in the Civil Court Proceeding: HSBC Bank USA, N.A. v. Madhu Agarwal and Anil Agarwal v. HSBC Bank USA, N.A., et al. Docket No. SWC-F-024191-12, IN WHICH Judge HECTOR R. VELAZQUEZ, J.S.C. was Third Party Defendant, are stayed till further orders.

It is further ordered that Judge HECTOR R. VELAZQUEZ, J.S.C. and all other affected parties should file an application to vacate the order in 30 days.

Judge of United States  
Southern District of New York

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKDr Anil Agarwal et al

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

- against -

United States of America et al

## AFFIRMATION

14 Civ. 1873 (PAC)( )

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Dr. Anil Agarwal, as plaintiff in the above entitled action, respectfully move this Court to order defendant(s) to show cause why they should not be enjoined from/to \_\_\_\_\_ until a final disposition on the merits in the above entitled action.

Unless this order is issued, I will suffer immediate and irreparable injury, loss and damage in that if the order is not passed my property address 204 Wilkins Ave, Jersey City will be sold this week (Thursday) although I have tendered payments to Bank. As can be seen from the foregoing, I have no adequate remedy at law. No prior request has been made for the relief requested herein.

WHEREFORE, I respectfully request that the court grant the within relief as well as such other and further relief that may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 25<sup>th</sup>, 2014  
NY City, NY  
(town/city) (state)

[Signature]  
Signature

419 Esplanade (Rear)  
Address

Maywood, N.J.  
City, State

07607-1959  
Zip Code

201-873-7341  
Telephone or Cell phone number

Page 2

All the payments were made through Bank  
to bank electronic Payments which are  
legal tenders under U.S. Constitution.

Al Jyl

Exhibit A



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
P.O. Box 112  
TRENTON, NJ 08625-0112

JEFFREY S. CHIESA  
Attorney General

CHRISTOPHER S. PORRINO  
Director

May 7, 2013

Stephanie L. Soondar, Esq.  
Shapiro & Perez, LLC  
14000 Commerce Parkway, Suite B  
Mt. Laurel, NJ 08054

Re: HSBC Bank USA, N.A. v. Madhu Agarwal and Anil  
Agarwal v. HSBC Bank USA, N.A., et al.  
Docket No. SWC-F-024191-12

Dear Ms. Soondar:

Enclosed please find an Order entered by the  
Honorable Hector R. Velazquez, J.S.C. on April 5, 2013,  
dismissing defendants' purported Third-Party Complaint with  
prejudice as to Honorable Peter F. Bariso, A.J.S.C., Honorable  
Hector R. Velazquez, P.J.S.C., Honorable Alvaro L. Iglesia,  
J.S.C., and the Superior Court Clerk's Office.

Sincerely yours,

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY

By:

Brian P. Wilson  
Brian P. Wilson  
Deputy Attorney General

BPW/bjs  
Encl.

c: Madhu Agarwal (w/encl.)  
Anil Agarwal (w/encl.)



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F I L E D

Apr 05, 2013

JEFFREY S. CHIESA  
 ATTORNEY GENERAL OF NEW JERSEY  
 Attorneys for Third-Party Defendants,  
 Hon. Peter F. Bariso, A.J.S.C.,  
 Hon. Hector R. Velazquez, P.J.S.C.,  
 Hon. Alvaro L. Iglesia, J.S.C. and  
 the Superior Court Clerk's Office  
 R.J. Hughes Justice Complex  
 25 Market Street  
 P.O. Box 112  
 Trenton, New Jersey 08625-0112

HECTOR R. VELAZQUEZ, J.S.C.

By: Brian P. Wilson  
 Deputy Attorney General  
 (609) 777-3410

HSBC BANK USA, N.A.,	:	SUPERIOR COURT OF NEW JERSEY
	:	CHANCERY DIVISION - GENERAL EQUITY
Plaintiff,	:	HUDSON COUNTY
	:	
v.	:	DOCKET NO. F-024191-12
	:	
MADHU AGARWAL and ANIL	:	ORDER DISMISSING DEFENDANTS'
AGARWAL,	:	PURPORTED THIRD-PARTY COMPLAINT
	:	WITH PREJUDICE IN LIEU OF FILING AN
Defendants/Third-	:	ANSWER PURSUANT TO R. 4:6-2(e) AS
Party Plaintiffs,	:	TO HON. PETER F. BARISO, A.J.S.C.,
	:	HON. HECTOR R. VELAZQUEZ, P.J.S.C.,
v.	:	HON. ALVARO L. IGLESIA, J.S.C., AND
HSBC BANK USA, N.A., et al.	:	THE SUPERIOR COURT CLERK'S OFFICE
	:	
Third-Party	:	
Defendants.	:	

This matter having been opened to the Court pursuant to R. 4:6-2(e), on a motion of Jeffrey S. Chiesa, Attorney General of New Jersey, by Brian P. Wilson, Deputy Attorney General, appearing for Hon. Peter F. Bariso, A.J.S.C., Hon. Hector R. Velazquez, P.J.S.C., Hon. Alvaro L. Iglesia, J.S.C. and the Superior Court Clerk's Office, on notice to Plaintiff, HSBC Bank, USA, N.A., and to Defendants/Third-Party Plaintiffs, Madhu Agarwal and Anil

  
 HECTOR R. VELAZQUEZ, J.S.C.

In accordance with the required statement of R. 1:6-2(a), this motion was ( ) opposed ( ) unopposed.



Agarwal; and the Court having considered the papers submitted; and for good cause shown;

IT IS on this 5th day of APRIL, 2013;

ORDERED, that the Motion to Dismiss Defendants/Third-Party Plaintiffs Madhu and Anil Agarwal's purported Third-Party Complaint pursuant to R. 4:6-2(e) filed by Hon. Peter F. Bariso, A.J.S.C., Hon. Hector R. Velazquez, P.J.S.C., Hon. Alvaro L. Iglesia, J.S.C. and the Superior Court Clerk's Office, is hereby GRANTED, and Defendants/Third-Party Plaintiffs' claims and cross-claims against these purported Third-Party Defendants are hereby dismissed, with prejudice; and it is further,

ORDERED, that a copy of this Order shall be served upon all parties within seven days of its receipt by counsel for moving party.

  
HECTOR R. VELAZQUEZ, J.S.C.

In accordance with the required statement of R. 1:6-2(a), this motion was ( ) opposed ( ) unopposed.

**THIS MOTION IS GRANTED SUBSTANTIALY  
FOR THE REASONS SET FORTH IN THE  
MOVING PAPERS.**

**MOTION UNOPPOSED**

The third party defendants, Bariso, Velazquez, Iglesias and the Superior Court Clerk's office move pursuant to Rule 4:6-2(e) to dismiss the third party complaint filed against them by Madhu and Anil Agarwal.

The motion is granted as the Doctrine of Judicial Immunity bars any and all claims that are asserted in the Third Party Complaint. Under this doctrine Judge's and Courts are entitled to absolute immunity from suit based on the performance of their judicial functions. See: *Mireles v. Waco* 502 U.S. 9 9-10, (1991).

Moreover to the extent that the Agarwals alleges violations of their constitutional rights, these defendants as judicial employees are not persons amenable to suit pursuant to 42 USC 1983. See: *Will v. Michigan Dept. of State Police* 491 U.S. at 71.

Finally, the third party complaint should be dismissed under Rule 4:54-2 because it fails to state a claim under which relief can be granted. While the Agarwals allege a violation of their constitutional rights they fail to assert what rights have been violated and how they were damaged. Pleadings reciting mere conclusions without supporting facts cannot survive a motion to dismiss. The Agarwals are seeking to avoid foreclosure but filing a frivolous and incomprehensible pleading attacking the integrity of judicial employees is not the proper recourse.